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| APPLICATION NO.                                                                                                     | FILING DATE        | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.                                                                                                                                                                                                                                                                             | CONFIRMATION NO. |          |              |      |  |                   |               |            |            |
|---------------------------------------------------------------------------------------------------------------------|--------------------|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------|--------------|------|--|-------------------|---------------|------------|------------|
| 10/714,101                                                                                                          | 11/14/2003         | Craig Partridge      | 02-4122                                                                                                                                                                                                                                                                                         | 9540             |          |              |      |  |                   |               |            |            |
| 25537<br>VERIZON<br>PATENT MANAGEMENT GROUP<br>1320 North Court House Road<br>9th Floor<br>ARLINGTON, VA 22201-2909 | 7590<br>06/10/2010 |                      | <div>EXAMINER</div> <div>ZIA, SYED</div> <table border="1"><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2431</td><td></td></tr></table> <div><table border="1"><tr><td>NOTIFICATION DATE</td><td>DELIVERY MODE</td></tr><tr><td>06/10/2010</td><td>ELECTRONIC</td></tr></table></div> |                  | ART UNIT | PAPER NUMBER | 2431 |  | NOTIFICATION DATE | DELIVERY MODE | 06/10/2010 | ELECTRONIC |
| ART UNIT                                                                                                            | PAPER NUMBER       |                      |                                                                                                                                                                                                                                                                                                 |                  |          |              |      |  |                   |               |            |            |
| 2431                                                                                                                |                    |                      |                                                                                                                                                                                                                                                                                                 |                  |          |              |      |  |                   |               |            |            |
| NOTIFICATION DATE                                                                                                   | DELIVERY MODE      |                      |                                                                                                                                                                                                                                                                                                 |                  |          |              |      |  |                   |               |            |            |
| 06/10/2010                                                                                                          | ELECTRONIC         |                      |                                                                                                                                                                                                                                                                                                 |                  |          |              |      |  |                   |               |            |            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

### Office Action Summary

**Application No.**

10/714,101

**Applicant(s)**

PARTRIDGE ET AL.

**Examiner**

SYED ZIA

**Art Unit**

2431

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 56, 58-67, 69-71, 76, 78, and 79 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: \_\_\_\_\_

Continuation of Disposition of Claims: Claims pending in the application are 2,4-13,15-17,22,24,25,29,31-40,42-44,49,51,52,56,58-67,69-71,76,78 and 79.

### **DETAILED ACTION**

This office action is in response to remarks and amendments file on March 15, 2010. The amendment filed have been entered and made of record. Claims 2, 4-13, 15-17, 22, 24-25, 29, 31-40, 42-44, 49, 51, 52, 56, 58-67, 69-71, 76, 78, and 79 are pending for consideration.

#### ***Response to Arguments***

Applicant's remarks with respect to claims 2, 4-13, 15-17, 22, 24-25, 29, 31-40, 42-44, 49, 51, 52, 56, 58-67, 69-71, 76, 78, and 79 filed on March 15, 2010 have been considered. However, upon further consideration, a new ground(s) of rejection is made as discussed below.

#### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 56, 58-67, 69-71, 76, 78, and 79 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

3. Claims 56, 58-67, 69-71, 76, 78, and 79 are rejected under 35 USC 101 since the claims are directed to non-statutory subject matter. Claims 56, 58-67, 69-71, 76, 78, and 79 are directed towards a service implemented in a computer-accessible and readable medium which appears to cover both transitory and non-transitory embodiments. The specification merely recites the term “computer-accessible and readable, useable medium”, but no specific definition is provided to define this claimed term. The United States Patent and Trademark Office (USPTO) is required to give claims their broadest reasonable interpretation consistent with the specification during proceedings before the USPTO. *See In re Zletz*, 893 F.2d 319 (Fed. Cir. 1989) (during patent examination the pending claims must be interpreted as broadly as their terms reasonably allow). The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals *per se* in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent. *See* MPEP 2111.01. When the broadest reasonable interpretation of a claim covers a signal *per se*, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject matter. *See In re Nuijten*, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) (transitory embodiments are not directed to statutory subject matter) and *Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101*, Aug. 24, 2009; p. 2.
4. The Examiner suggests that the Applicant add the limitation “non-transitory machine-accessible and readable medium” to the claim(s) in order to properly render the claims in statutory form in view of their broadest reasonable interpretation in light of the originally filed specification. The examiner also suggests that the specification be amended to include the term

“non-transitory machine-accessible and readable medium” to avoid a potential objection to the specification for a lack of antecedent basis of the claimed terminology.”

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SYED ZIA whose telephone number is (571)272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit: 2431

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SZ  
May 29, 2010  
/Syed Zia/  
Primary Examiner, Art Unit 2431